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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 10996

Customer No. 26890

Application of

Durrant, Douglas J.

Serial No. 09/652,722

Group Art Unit: 2141

Filed: August 31, 2000

Examiner: Shaw, Joseph D.

For: **SYSTEM AND METHOD FOR STANDARDIZING COMPONENT
CHARACTERISTIC DATA SUBMITTED BY A SELLER FOR USE BY A
BUYER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
(37 CFR 1.8a)

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Oct 5, 2004
Date

Sallie Spicer
Sallie Spicer

Sir:

Transmitted herewith for filing is an Appeal Brief **and two copies** thereof to the Final Rejection dated March 18, 2004.

 X Please charge Deposit Account No. 50-1673 for the Appeal Brief fee or any other fees associated with the filing of said Appeal Brief.

 X Please charge any additional fees to the account of NCR Corporation, Deposit Account No. 50-1673.

Our telephone number is: (937) 445-7663.

Respectfully,

James M. Stover
Reg. No. 32,759



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BRIEF ON APPEAL

Sir:

This is an appeal under 37 CFR 1.191 to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office from the final rejection of claims 1 through 18 of the above-identified patent application. The claims were finally rejected in an Office Action dated May 11, 2004. Three copies of the brief are filed herewith, together with the requisite fee under 37 CFR

1.17(f).

10/14/2004 BSAYASII 00000062 501673 09652722

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CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2004.

By: Sallie Spicer
Name: Sallie Spicer

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation.

(2) RELATED APPEALS AND INTERFERENCES

There are currently no known active appeals or interferences related to the present application.

(3) STATUS OF CLAIMS

Claims 1 through 18 are pending in the application.

Claims 1 through 18 are all rejected and are being appealed. Such claims are shown in the Appendix attached to this Appeal Brief

(4) STATUS OF AMENDMENTS

A response to the Final Rejection has not been filed.

(5) SUMMARY OF INVENTION

Referring to Figure 1, a block diagram of a quality exchange system 51 in a component exchange system 50 is shown. The quality exchange system 51 may include a receiving system 16 for receiving characteristic data 30, a converter 14 for establishing a data standard and for converting the characteristic data 30 into standardized characteristic data 31, and an extractor 15 for presenting the standardized characteristic data 31. The receiving system 16 preferably is coupled with, and capable of data communications with, at least one buyer processor 10 and/or at least one seller processor 11 via, for example, an information network 150.

Each of the seller processors 11 and/or buyer processors 10 may be adaptable for communicating characteristic data 30 regarding a plurality of

components 100 to the receiving system 16. The characteristic data 30 comprises any information, including quality information, that relates to decreasing the return rate for the plurality of components 100 and/or to increasing the quality and/or reliability of the plurality of components 100. For example, regarding each component manufactured by one of the seller processors 11, the seller processor 11 may communicate any known reliability information, such as mean time between failures, to the component exchange system 50. Similarly, one of the buyer processors 10 may report a component failure to the component exchange system 50 after the component, manufactured by one of the seller processors 11, failed while being used in combination with certain other components. The buyer processors 10 and/or the seller processors 11 each may include one or more input devices and/or systems, such as a keyboard, a disk drive, and/or a scanner, for entering the characteristic data 30 into the buyer processors 10 and/or the seller processors 11.

The converter 14 is coupled with, and capable of data communications with, the receiving system 16, and receives the characteristic data 30 from the receiving system 16. To facilitate a meaningful analysis of the characteristic data 30, the converter 14 preferably also is capable of establishing the data standard, a uniform standard into which the characteristic data 30 for each of the plurality of components 100 can be converted. Being generated by one or more of the seller processors 11 and/or one or more of the buyer processors 10, the characteristic data 30, as received by the receiving system 16, may be measured and reported based upon a plurality of different methods and bases. Stated somewhat differently, each seller processor 11 and/or each buyer processor 10 may utilize its own measurement procedures and standards, which differ from the measurement procedures and standards used by other seller processors 11 and/or buyer processors 10.

For each of the plurality of components 100, the converter 14 generates the data standard by examining the characteristic data 30 as reported by the seller processors 11 along with any comments included in the characteristic data 30 from the buyer processors 10. Since each of the seller processors 11 may employ different underlying measurement procedures, the converter 14 seeks characteristic data 30 comprising measured, rather than calculated, values from the seller processors 11. The converter 14 also may establish uniform measuring procedures to the seller processors 11 and/or the buyer processors 10 for determining the measured values. From the measured values, the converter 14 evaluates factors, such as sample size and/or data trends, and/or generates uniform standardized characteristic data 31 for each of the plurality of components 100. When generating the data standard, the converter 14 also may consider the characteristic data 30 communicated by the buyer processors 10, which provides a valuable system for receiving consumer feedback regarding the plurality of components 100.

The converter 14 may receive characteristic data 30 from the seller processors 11 and/or the buyer processors 10 via the receiving system 16 after the data standard has been established. The converter 14 also is capable of converting the characteristic data 30 into standardized characteristic data 31 in accordance with the data standard. Upon receiving the characteristic data 30, the converter 14 verifies that the characteristic data 30 substantially complies with a set of data format requirements, also established by the converter 14. Examples of such data format requirements include, without limitation: data field length, transmission header format, or other non-substantive criteria for accepting characteristic data 30. If the characteristic data 30 does not substantially comply with the set of data format requirements, the converter 14 may be capable of rejecting the characteristic data 30, notifying the receiving system 16 of the substantial non-

compliance, and/or accepting the characteristic data 30 despite the substantial non-compliance. The converter 14 preferably includes a database system 57 for retaining the standardized characteristic data 31 and/or the data standard.

The receiving system 16 further may be adapted for receiving characteristic data requirements 56 from one or more of the buyer processors 10 and/or one or more of the seller processors 11 and for communicating characteristic data requirements 56 to the converter 14 via the receiving system 16. The characteristic data requirements 56 each preferably comprise a request for the characteristic data 30, such as component quality information, regarding one or more of the plurality of components 100 that are supported by the information exchange system 51. The characteristic data requirements 56 are generated by the buyer processors 10 and/or the seller processors 11 and may be communicated to the buyer processors 10 and/or the seller processors 11 by one or more of the input devices and/or systems. Upon receipt, the converter 14 may be capable of searching the database system 57 for standardized characteristic data 31 relevant to each of the components included in the characteristic data requirements 56. If relevant standardized characteristic data 31 is available, the converter 14 retrieves the relevant standardized characteristic data 31 from the database system 57.

The extractor 15 is coupled with, and capable of data communications with, the receiving system 16 and/or the converter 14. Upon receipt of the relevant standardized characteristic data 31, the extractor 15 presents the relevant standardized characteristic data 31 to the requesting seller processors 11 and/or buyer processors 10. The requesting seller processors 11 and/or buyer processors 10 each may include one or more output devices and/or systems, such as a display or a printer, for presenting the characteristic data 30. The extractor 15 preferably is coupled with, and capable of data communications with, at least one of the buyer processors 10 and/or at least one of the seller processors 11 via, for example, the

information network 150. The extractor 15 also may be adapted to present all of the standardized characteristic data associated with at least one preselected component among the plurality of components and/or all of the standardized characteristic data associated with a preselected seller processor.

Turning to Figs. 3A-C, one or more seller processors 11 [STEP 210] and/or one or more buyer processors 10 [STEP 220] each, in operation, may communicate characteristic data 30, including quality information, regarding a plurality of components 100 to a receiving system 16 of an information exchange system 51. Each of the seller processors 11 and/or each of the buyer processors 10 may communicate with the receiving system 16 via, for example, an information network 150 through non-encrypted and/or encrypted communications. Upon receiving the characteristic data 30 [STEP 230], the receiving system 16 preferably communicates the characteristic data 30 to a converter 14 of the information exchange system 51 [STEP 240].

By examining the characteristic data 30 as provided by the seller processors 11 and/or the buyer processors 10 via the receiving system 16, the converter 14 establishes a data standard for the plurality of components 100 [STEP 250]. The data standard preferably comprises a uniform standard into which the characteristic data 30 for each of the plurality of components 100 can be converted. To establish the data standard, the converter 14 preferably evaluates factors, such as sample size and/or data trends. If multiple data standards would facilitate meaningful alternate analyses of the characteristic data, the converter 14 may generate a plurality of data standards for each of the plurality of components 100 and designate one of the plurality of data standards to be a default data standard. As part of the data standard, the converter 14 also may establish uniform measuring procedures and/or a set of data format requirements for the seller processors 11 and/or the buyer processors 10. The uniform measuring procedures

may be used to create subsequent characteristic data 30; whereas, the set of data format requirements provide one or more non-substantive criteria for accepting characteristic data 30. Once the data standard has been established, the converter 14 may convert the characteristic data 30 into standardized characteristic data 31 substantially in accordance with the data standard, preferably the default data standard [STEP 260]. The converter 14 then stores the standardized characteristic data 31 in a database system 57 [STEP 270].

The converter 14, once the data standard has been established, may subsequently receive characteristic data 30 from the seller processors 11 and/or the buyer processors 10 via the receiving system 16 [STEP 240]. Upon receiving the subsequent characteristic data 30, the converter 14 first verifies that the subsequent characteristic data 30 substantially complies with the set of data format requirements [STEP 280]. If the subsequent characteristic data 30 does not substantially comply with the data format requirements, the converter 14 may reject the subsequent characteristic data 30 [STEP 290] and notify the receiving system 16 of the substantial non-compliance [STEP 295], and/or the converter 14 accept the subsequent characteristic data 30 despite the substantial non-compliance [STEP 300]. Upon receiving notification of the substantial non-compliance, the receiving system 16 also may prompt the seller processor 11 [STEP 310] and/or the buyer processor 10 [STEP 311] to provide acceptable characteristic data 30. The seller processor 11 [STEP 315] and/or the buyer processor 10 [STEP 316] may elect to communicate additional characteristic data 30 to the receiving system 16 in response to the prompt. Once found to be acceptable by the converter 14, the subsequent characteristic data 30 is converted into standardized characteristic data 31 in accordance with the data standard [STEP 320], preferably the default data standard, and stored in the database system 57 for later access and/or retrieval [STEP 330]. As the subsequent

characteristic data 30 is received, the converter 14 may modify and/or update the data standard in accordance with the subsequent characteristic data 30 [STEP 340].

(6) ISSUES

Whether claims 1, 2, 4-9, 11, and 13-17 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,026,374 to Chess (hereinafter “Chess”) in view of U.S. Patent No. 5,889,674 to Burdick et al. (hereinafter “Burdick”).

Whether claims 3, 10, 12 and 18 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chess in view of Burdick and further in view of U.S. Patent No. 5,832,502 to Durham et al. (hereinafter “Durham”).

(7) GROUPING OF CLAIMS

Claims 1 through 18 stand and fall together.

(8) ARGUMENT

The rejection of claims 1 through 18 under 35 U.S.C. 103(a) is respectfully traversed. Chess has been cited as teaching a system with a seller processor, buyer processor, and information exchange system exchanging data between the two, wherein the information exchange system can: receive characteristic data from the seller processor; convert the characteristic data; and present the data to a buyer processor. The Official Actions dated November 13, 2003 and May 11, 2004 each acknowledge that Chess does not teach establishing a data standard for the characteristic data and converting the characteristic data into standardized characteristic data in accordance with the data standard. It should also be noted that “characteristic data” disclosed by Applicant and the “information products”

disclosed by Chess are not equivalent elements. For example, characteristic data, as disclosed by the Applicant, refers to such things as the “seek time” for hard disks (see application p. 6, lines 25-26 through p. 7, lines 1-7) and the “pass rate” of solder connections (see application p. 7, lines 24-26 through p. 8, lines 1-12). Conversely, Chess teaches that “information products can include various publications, such as papers, books, journals, compiled reference works, government documents, etc.” (col. 2, lines 3-5). Clearly, “characteristic data” and “information products” are not equivalent elements.

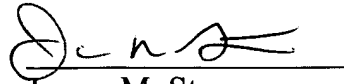
Burdick was cited for disclosing a system for reforming data in disparate formats into a common format that includes an established data standard. However, Burdick does not teach a converter for, or step of, examining characteristic data and generating a data standard for the characteristic data therefrom. The system described in Burdick merely reforms raw data into a known standardized data format. Burdick does not teach an element or step for generating a data standard.

Durham was cited for disclosing a computer system that determines data to be in the correct format before proceeding to operate on it.

Thus, none of the cited references teaches or suggests a converter for, or step of, examining characteristic data and generating a data standard for the characteristic data therefrom. As a converter for generating a data standard for the characteristic data therefrom is an element of each one of system claims 1 through 10, and the step of generating a data standard for the characteristic data therefrom is an element of each one of method claim 11 through 18, claims 1 through 18 are all believed to be patentable over the cited references, taken singularly or in combination.

Review of the present application and claims with consideration of the foregoing comments, and reconsideration of the rejection of claims 1 through 18 are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. M. Stover', is written over a horizontal line.

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(9) APPENDIX

Pending Claims

U.S. Patent Application No. 09/652,722

1. (previously presented) A system for information exchange in a component exchange system, the component exchange system being capable of data communications with at least one seller processor and at least one buyer processor, the at least one seller processor being adaptable for communicating characteristic data regarding a plurality of components to the component exchange system, and the at least one buyer processor being adaptable for receiving the characteristic data from the component exchange system, comprising:

a receiving system for receiving the characteristic data, from at least one of the at least one seller processor;

a converter for receiving the characteristic data from said receiving system, examining said characteristic data and generating a data standard for the characteristic data therefrom, and converting the characteristic data into standardized characteristic data in accordance with the data standard; and

an extractor for presenting the standardized characteristic data to at least one of the at least one buyer processor.

2. (original) The system of claim 1, wherein the receiving system is capable of receiving the characteristic data from at least one of the at least one buyer processor.

3. (original) The system of claim 1, wherein the converter is capable of establishing a set of data format requirements and is capable of verifying that the characteristic data sufficiently complies with the set of data format requirements.

4. (original) The system of claim 3, wherein the receiving system is capable of converting each of the characteristic data that does not sufficiently comply with the data standard.

5. (original) The system of claim 1, wherein the data standard comprises a measurement standard for the characteristic data.

6. (original) The system of claim 1, wherein the data standard is selectable.

7. (original) The system of claim 1, wherein the extractor is capable of presenting the standardized characteristic data to at least one of the at least one seller processor.

8. (original) The system of claim 1, wherein the extractor is capable of presenting all of the standardized characteristic data associated with at least one preselected component.

9. (original) The system of claim 1, wherein the extractor is capable of presenting all of the standardized characteristic data associated with a preselected seller processor.

10. (previously presented) A system for information exchange in a component exchange system, the component exchange system being capable of data communications with at least one seller processor and at least one buyer processor, the at least one seller processor being adaptable for communicating characteristic data regarding a plurality of components to the component exchange

system, and the at least one buyer processor being adaptable for receiving the characteristic data from the component exchange system, comprising:

- a receiving system for receiving the characteristic data from at least one of the at least one buyer processor;

- a converter for receiving the characteristic data from said receiving system, examining said characteristic data and generating a data standard for the characteristic data therefrom, and converting the characteristic data into standardized characteristic data in accordance with the data standard, the converter being capable of verifying that the characteristic data sufficiently complies with a set of data format requirements, said data standard comprising a measurement standard for presenting the characteristic data and being selectable; and

- an extractor for presenting the standardized characteristic data to at least one of the at least one buyer processor.

11. (previously presented) A method for exchanging information in a component exchange system, the component exchange system being capable of data communications with at least one seller processor and at least one buyer processor, the at least one seller processor being adaptable for communicating characteristic data regarding a plurality of components to the component

exchange system, and the at least one buyer processor being adaptable for receiving the characteristic data from the component exchange system, comprising the steps of;

- examining said characteristic data and generating a data standard for the characteristic data therefrom;

- receiving the characteristic data from at least one of the at least one seller processor; converting the characteristic data into standardized characteristic data in accordance with the data standard; and

presenting the standardized characteristic data to at least one of the at least one buyer processor.

12. (original) The method of claim 11, further comprising the step of verifying that the characteristic data sufficiently complies with a set of data format requirements.

13. (original) The method of claim 11, further comprising the step of converting each of the characteristic data that does not sufficiently comply with the data standard into the standardized characteristic data.

14. (original) The method of claim 11, further comprising the step of providing a measurement standard for generating the characteristic data.

15. (original) The method of claim 11, further comprising the step of selecting a data standard.

16. (original) The method of claim 11, further comprising the step of presenting all of the standardized characteristic data associated with at least one preselected component.

17. (original) The method of claim 11, further comprising the step of presenting all of the standardized characteristic data associated with a preselected seller processor.

18. (previously presented) A method for exchanging information in a component exchange system, the component exchange system being capable of

data communications with at least one seller processor and at least one buyer processor, the at least one seller processor being adaptable for communicating characteristic data regarding a plurality of components to the component exchange system, and the at least one buyer processor being adaptable for receiving the characteristic data from the component exchange system, comprising the steps of;

examining said characteristic data and generating a data standard for the characteristic data therefrom;

receiving the characteristic data from at least one of the at least one buyer processor and at least one of the at least one seller processor;

verifying that the characteristic data sufficiently complies with the data standard;

converting the characteristic data into standardized characteristic data in accordance with the data standard, said data standard comprising a measurement standard for presenting the characteristic data and being selectable; and presenting the standardized characteristic data to at least one of the at least one buyer processor and at least one of the at least one seller processor.